

REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated August 1, 2006. A Petition for Extension of Time (one month) and the fee therefor are submitted herewith.

Claims 1 and 3-4 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nakai et al., US 2003/0061536. Reconsideration of the rejection is respectfully requested.

Claims 2 and 5 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nakai et al. and further in view of Attaway et al., U.S. Patent No. 6,829,677. Reconsideration of the rejection is respectfully requested.

Claim 6 was rejected under 35 U.S.C. §103(a) as being anticipated by Nakai et al. and further in view of Sawhney, US 2002/0133663. Reconsideration of the rejection is respectfully requested.

Claims 7 and 9-11 were rejected under 35 U.S.C. §103(a) as being anticipated by Nakai et al. and further in view of Dell, U.S. Patent No. 5,450,422. Reconsideration of the rejection is respectfully requested.

Claim 8 was rejected under 35 U.S.C. §103(a) as being anticipated by Nakai et al. in view of Dell and further in view of Attaway et al. Reconsideration of the rejection is respectfully requested.

Claim 12 was rejected under 35 U.S.C. §103(a) as being anticipated by Nakai et al. and further in view of Saiki et al., JP 362078920. Reconsideration of the rejection is respectfully requested.

It is provided in 35 U.S.C. §103(c)(1) that, “[s]ubject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.”

Nakai et al. is applicable as a reference against the present application under 35 U.S.C. §102(a) if the effective date of the present application is assumed to be October 30, 2003, the United States filing date, since the publication date of Nakai et al. is March 27, 2003. Therefore,

Applicants enclose herewith a verified English translation of the Japanese priority document herein, Japanese patent application No. 2002-315319, filed October 30, 2002, so that Nakai et al. is only a 35 U.S.C. §102(e) reference, Nakai et al. having been filed on August 27, 2002.

Nakai et al. is now only available as prior art under 35 U.S.C. §102(e) and all of the claims were rejected under 35 U.S.C. §103(a) using Nakai et al. as a reference. Furthermore, it is asserted that:

Application No. 10/699,223 and Nakai et al., US2003/0061536 A1, were, at the time the invention claimed in Application No. 10/699,223 was made, owned by or subject to an obligation of assignment to Elpida Memory, Inc., Hitachi ULSI Systems Co., Ltd., and Hitachi, Ltd.


In view of the foregoing assertions, it is respectfully submitted that, based upon 35 U.S.C. §103(c)(1), Nakai et al. should be withdrawn as a reference in support of all of the rejections of the claims, and, therefore, all of the rejections should be withdrawn.

In view of the foregoing remarks, allowance of claims 1-12 is respectfully requested.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims and pass this case to issue.

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY
THROUGH THE UNITED STATES
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Respectfully submitted,


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